



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III

841 Chestnut Building  
Philadelphia, Pennsylvania 19107

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ORIGINAL  
(Red)

CERTIFIED MAIL

JUN 13 1988

RETURN RECEIPT REQUESTED

In Reply Refer to: 3HW17

Mr. Joseph C. Overbeck, President  
Motor Wheel Corp.  
4000 Collins Rd.  
Lansing, MI 48910

Re: Request for Information Pursuant to Section 104 of  
CERCLA and Section 3007 of RCRA for the Delaware Sand and  
Gravel Site.

Dear Mr. Overbeck:

The United States Environmental Protection Agency (EPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants, or hazardous wastes on or about the Delaware Sand and Gravel Site in New Castle County, Delaware (the "Site"). This investigation requires inquiry into the identification, nature, and quantity of materials that transported to, the Site and the nature or extent of a release of contaminant at or from the site. EPA also is seeking information relating to the ability of a person to pay for or to perform a cleanup of the Site. Your company is requested to furnish all information and documents in its possession, custody or control, or the possession, custody or control of any of its officers, employees or agents which concern, refer or relate to hazardous substance as defined by Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9601(14), which were transported to, stored or disposed of at the Delaware Sand and Gravel Site.

The Site was operated by Joseph and Vincent Dell Aversano as the Delaware Sand and Gravel Company. Entities such as Eastern Industrial, ABM Disposal, Gene Banta, Ralph Ciccone and Sons, Inc., Angelo Terranova, Gene Bendersky, Micucio Brothers, Trash Removers, Rollins Furle, Stanley J. Twardus and Sons, Inc., Harvey & Knotts, Rose Hill Drum Co., Weaver

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Pole Line Construction Co., and others may have transported hazardous substances to the Delaware Sand and Gravel site. EPA has information indicating that your facility was a generator of hazardous substances which were either transported to and/or disposed of at the Delaware Sand and Gravel site.

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Pursuant to the authority of Section 104 of CERCLA the Administrator of the Environmental Protection Agency has the authority to require any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes or substances to furnish information related to such wastes and/or substances, 42 U.S.C. Section 9604, as amended, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927. You are hereby required to answer the following questions, and to provide all documents in your possession relating to the following:

EPA has information indicating that the Motor Wheel Corporation, Newark, DE facility generated hazardous substances which were either transported to and/or disposed of at the Delaware Sand and Gravel Landfill.

Your response should reference the 1962 - 1977 time frame and should include, but not be limited to information and documentation concerning:

1. The dates that Motor Wheel used Trash Removers to transport wastes from your Newark, DE facility;
  - a. the ultimate destination of the wastes transported by Trash Removers, if known;
  - b. provide the types, quantities and chemical composition of the wastes, and the frequency of hauling;
  - c. the state (i.e. liquid, solid, or gaseous) of the substances transported to Delaware Sand and Gravel Landfill and the manner in which the substances were transported (i.e. drummed, in dumpsters or in other types of containers) hauled by roll-off or stake-body trucks.
2. The dates that Motor Wheel used Twardus Co. to transport wastes from your Newark, DE facility;
  - a. the ultimate destination of the wastes transported by the Twardus Co., if known;
  - b. if the wastes were transported to the Delaware Sand and Gravel Landfill or if the ultimate destination is unknown, provide the types, quantities and chemical composition of the wastes, and;
  - c. the state (i.e. liquid, solid, or gaseous) of the substances transported to Delaware Sand and Gravel

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Landfill and the manner in which the substances were ~~ORIGINAL~~ transported (i.e. drummed, in dumpsters or in other (Red) types of containers);

3. The identity of any other entities which transported wastes from Motor Wheel's Newark, DE facility during the above referenced time frame;

a. if you do not have information regarding the ultimate destination of the wastes, state that this information is not available;

b. if the wastes were transported to the Delaware Sand and Gravel Landfill, provide the types, quantities and chemical composition of the wastes, and;

c. the state (i.e. liquid, solid, or gaseous) of the substances transported to Delaware Sand and Gravel Landfill and the manner in which the substances were transported (i.e. drummed, in dumpsters or in other types of containers);

d. the dates that the wastes were transported to the Delaware Sand and Gravel Landfill;

4. The identity of those individuals from your company who held positions of responsibility for waste disposal and procurement of waste haulers at each of the above named facilities at the time the wastes were transported;

a. include the last known whereabouts of those who have left your employment through retirement or separation;

b. current positions of those still employed by your company;

c. the identity of drivers for each transporter who serviced your company, if known, and;

d. identify those parties who assisted in putting this response together;

5. If information or documentation regarding the above questions is not available, provide the identity and current address and telephone number of any person who has information relating to the Motor Wheel, Newark, DE facility's waste disposal practices during the above referenced time frame.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each and every Information Request within seven (7) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, as amended, and/or Section 3008 of RCRA.

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Each of these statutes permits EPA to seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001 or Section 3008(d) of RCRA.

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This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, et seq.

Your response to this Information Request should be mailed to:

Terry Stilman  
U.S. Environmental Protection Agency, Region III  
SARA Special Sites Section (3HW17)  
841 Chestnut Building  
Philadelphia, PA 19107

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above. If you have any legal or technical questions relating to this Information Request, you may consult with the EPA prior to the time specified above. Please direct legal questions to Ms. Karen Kellen of the Office of Regional Counsel at (215) 597-5499. Technical questions should be directed to Mr. Terry Stilman at the above address, or at (215) 597-0984.

Thank you for your cooperation in this matter.

Sincerely,



Bruce P. Smith, Branch Chief  
Hazardous Waste Enforcement Branch

cc DNREC

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